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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,947	08/07/2000	James Pei-Man She	016660-049	2827
21839	7590	08/03/2005	EXAMINER	
BUCHANAN INGERSOLL PC (INCLUDING BURNS, DOANE, SWECKER & MATHIS) POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			LIM, KRISNA	
			ART UNIT	PAPER NUMBER
			2153	

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/634,947

Applicant(s)

SHE ET AL.

Examiner

Krisna Lim

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 12-20, 22 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-9, 12, 13, 20, 22 and 25 is/are allowed.
- 6) ☒ Claim(s) 1 and 14 is/are rejected.
- 7) ☒ Claim(s) 2-6 and 15-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Applicant's amendment filed 7/13/05 has been fully considered and the finality of the action is withdrawn. Upon further consideration, a new ground(s) of rejection is made in view of Schreiber et al. [U.S. Patent No. 5,970,491]. This reference was used to reject the canceled claimed 28. Claims 1-9, 12-20, 22 and 25 are still pending for examination and claims 10-11, 21, 23, 24 and 26-28 were canceled.

The following is a quotation of 35 U.S.C. § 103(a) that forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schreiber et al. [U.S. Patent No. 5,970,491].

Schreiber et al. disclosed (e.g., see Figs. 1-5) the invention substantially as claimed. Taking claims 1 and 14 as exemplary claims, the reference disclosed an apparatus (Fig. 1, cols. 4-6) for providing stream data (a message comprising of: attachments, documents, executable programs, voice, video, etc., col. 5 (lines 2-5)) from a server (a mail switch 100 having a distributed storage facility 104, a database 101, Message Transfer Agent 106) to multiple clients (110) comprising, a gateway (e.g., see gateway 108) located between said server and said clients, wherein said gateway including: a) means for obtaining streaming data from said server upon receipt of a first request for a stream from any of the clients (e.g., see arrows in and out of gateway, cols. 4-6); and means responsive to second and subsequent clients requesting said stream for effectively duplicating said stream within the gateway to provide said stream to the second and subsequent clients from the gateway (e.g., see Figs. 1-2 and 4-5).

While Schreiber further discloses that the mail switch 100 comprises a plurality of message transfer agents 106 and a distributed storage facility 104 and the gateway located between the server and the clients to facilitate the data transfer and data may be attachments, documents, executable programs, voice, video, etc. (e.g., see col. 5 (lines 2-5)). Schreiber did not explicitly mention that his data is a streaming data. However, a gateway is well known in the art at the time the invention was made as a device that connects networks using different communications protocols so that information can be passed from one to the other. Also, the gateway transfers information and converts it to a form compatible with the protocols used by the receiving network (see Microsoft Press Computer Dictionary). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to recognize that using a gateway to transfer or to deliver streaming data instead of attachments, documents, executable programs, voice, video, etc. would have been a matter of choice or usage because a gateway is known for transferring and converting information to a form compatible with the protocols used by the receiving network.

Claims 2-6 and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 7-9, 12-13, 20, 22 and 25 are allowed.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956 the examiner can normally be reached on Monday to Wednesday and Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KI

July 26, 2005



KRISNA LIM  
PRIMARY EXAMINER